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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 28 AM 11:03

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Carlos ANAYA-Santana,

Defendant

) Magistrate Docket No.

) '08 MJ 2280

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

gms
DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 24, 2008** within the Southern District of California, defendant, **Juan Carlos ANAYA-Santana**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JULY, 2008



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Juan Carlos ANAYA-Santana****PROBABLE CAUSE STATEMENT**

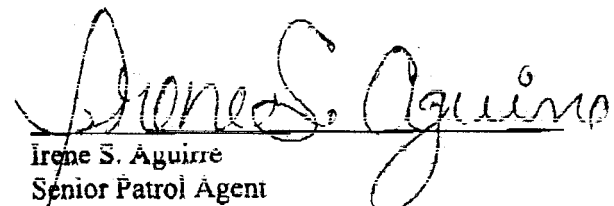
I declare under the penalty of perjury that the following statement is true and correct:

On July 24, 2008, Senior Patrol Agent D. LaPaglia was assigned to line watch duties along the United States/Mexico International Boundary. At approximately 9:00 pm, Border Patrol Agent J. Licon, who was utilizing a night vision device, observed a group of approximately eight individuals walking in a northwest direction along the northern side of the R.J. Donovan Correctional Facility. The R.J. Donovan Correctional Facility is located approximately a quarter mile east of the Otay Mesa, California Port-of-Entry and approximately three miles north of the United States/Mexico International Boundary. Undocumented aliens frequently travel this route to further their illegal entry into the United States.

At approximately 9:05 pm, Agent LaPaglia responded to the area northwest of the R.J. Donovan Correctional Facility. Agent Licon had lost visual contact with the group of individuals, but was able to direct Agent LaPaglia to the area where he last had visual contact with them. Agent LaPaglia followed a well-worn trail into a canyon on the northwest side of the correctional facility. Agent LaPaglia discovered seven individuals, including one later identified as the defendant **Juan Carlos ANAYA-Santana**, trying to conceal themselves in the reeds at the bottom of the canyon. Agent LaPaglia identified himself as a United States Border Patrol Agent and questioned the seven individuals as to their citizenship and nationality. All seven individuals including the defendant replied that they were from Mexico. Agent LaPaglia also asked all seven individuals if they had any immigration documents that would allow them to be or remain the United States legally. All seven individuals including the defendant replied no. At approximately 9:15 pm, Agent LaPaglia placed all seven individuals including the defendant under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 23, 2008 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on July 26, 2008, at 10:00 A.M.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 24, 2008, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas

United States Magistrate Judge

7/26/08 - 137 pm
Date/Time